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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,280	11/14/2001	Fredrick Burnet	BOB1338-048B	7667
8698	7590	12/09/2004	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			ONEILL, MICHAEL W	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

023

Office Action Summary	Application No. 09/992,280	Applicant(s) BURNET ET AL.	
	Examiner Michael O'Neill	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendments filed 1-16-2004, 2-19-2004 and 9-3-2004 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 4 contains an element of "Manually entering at least a portion of said game accounting data into data collection unit (e.g., Actuating a device to indicate an award of a corresponding prize)". This element is not supported by the originally filed disclosure of the invention. Also, in the claims, claim 1: the limitation of "wherein said data collection device is actuated by manually for the entry of at least a portion of said arcade game data"; claim 9: the limitation of "wherein said data collection device is actuated manually for the entry of at least a portion of said arcade game data"; claim 18: the limitation of "manually entering at least a portion of said game accounting data into said data collection unit"; claim 20: the limitation of "wherein said data collection device is actuated by said game attendant for the entry of at least a portion of said arcade game data".

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings are still objected to by the Examiner with respect to subject matter shown in figure 4 which is deemed by the Examiner to be new matter.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. See the above new matter objection under 35 U.S.C § 132, on what the Examiner deems to be not describe in the original specification.

Claim Rejections - 35 USC § 102

The rejection of claims 1-5, 8-14, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by Acres et al., USPN 5,741,183 is being maintained from the previous Office action and incorporated herein.

Claim Rejections - 35 USC § 103

The rejection of claims 6, 7, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Acres et al., USPN 5,741,183, is being maintained from the previous Office action and is incorporated herein.

Response to Arguments

Applicant's arguments filed 9-3-2004 have been fully considered but they are not persuasive.

The Examiner apologizes for the typographical errors from the previous Office action with respect to the drawing objections for not showing the claimed features of claims 18 and 19 and the prior art rejection of claim 20 under 35 U.S.C. § 102(b) as being anticipated by Acres et al. because the claim is similar in scope to that of claims 1 and 9 which were rejected under the prior art of Acres et al. It appears from the record of Applicant's response that there is an acknowledgement of said errors; and thus no confusion. For future reference, it should be noted that under MPEP 710.06, where an Office action contains a defect and this defect is called to the attention of the Office within 1 month of the mail date of said Office action, the Office will restart the previously set period for reply to run from the date the defect was corrected, if requested to do so by the Applicant. If the Applicant ever runs into this

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occurrence again of having a defective Office action, then the Applicant is encourage to call the Examiner-in-charge of the application to have the defect corrected and a supplemental Office action mailed.

With respect to what the Applicant perceives as approval of the drawings by the Examiner was with respect to the formalities of the drawings to which the draftsman had reviewed. The substance of figure 4 was still objected to by the Examiner, see the previous Office action and the Advisory action of 2-4-04 which stated on the record that the subject matter in the figure constituted new matter. Again, if the Applicant has confusion about the Examiner's position because of the dual roles of informing the Applicant of the approval of the drawings both for formalities, via the draftsman, and content or substance, via the Examiner, then the Applicant should communicate that confusion via the telephone.

With respect to the Applicant's contention that the subject matter which has been objected and rejected, with respect to the claims, under 35 U.S.C. 112, first paragraph, for the past two to three Office actions to as being new matter is supported by the specification, the Examiner asks the Applicant to pinpoint directly where such support lies in the specification because the Examiner fully reviewed the specification and could not find

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the support and the Applicant has not directed attention to the support within the specification.

With respect to the contention that a major difference between Acres and the claimed invention is Acres is used in a casino whereas the claimed invention is for an arcade; this contention has been adequately address in the previous Office action under the rejection of the claims. In sum, one skilled in this art deems both electronic amusement devices classified under Class 463.

With respect to the contention that Acres lacks in disclosing a plurality of unit controllers, claims are read in light of the specification, but limitations of the specification are not brought into the claims and Acres does disclose said limitations as explained in the previous Office action and found in Acres in figure, for example.

With respect to the contention that Acres lacks in disclosing the manually-actuated data collection device; the Examiner respectfully disagrees and directs the Applicant's attention to page 4 of the Office action where it describes how the manual-actuation limitation is met by the disclosure of Acres.

With respect to the contention regarding the method claims, these claims are similar in scope to the device claims and thus

were treated with the device claims because of their similarity they claims can be grouped together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

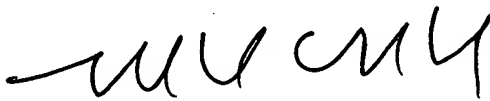
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL O'NEILL
PRIMARY EXAMINER